THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20927 of 2007

Between:

Palli Ramu.

.. PETITIONER

and

The District Collector and another.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that he is in possession and enjoyment of the land admeasuring Ac.0-10 cents in Sy.No.93/2 situated at Peddipalem Village, Anandapuram Mandal, Visakhapatnam District. While so, the Tahsildar, Anandapuram Mandal, Visakhapatnam District-2nd respondent issued notice, dated 06-09-2007, under Section 7 of A.P. Land Encroachment Act, 1905, (for short "the Act") to the petitioner stating that he is in illegal occupation of the Government land admeasuring Ac.0-10 cents in Sy.No.93/2 situated at Peddipalem Village, Anandapuram Mandal, Visakhapatnam District. In response to the said notice, the petitioner submitted explanation through his counsel on 12-09-2007. But, without considering the explanation submitted through his counsel on 12-09-2007 and without passing any final order under Section 6 of the Act, the respondents are taking steps to dispossess the petitioner from the land in question.

I am not inclined to express any opinion as to whether any order has been passed under Section 6 of the Act, pursuant to the notice issued under Section 7 of the Act. But, however, without passing any order under Section 6 of the Act, the petitioner cannot be dispossessed from the land in question.

Accordingly, the writ petition is disposed of directing the 2nd respondent to consider the explanation if any filed either by the petitioner or through his counsel, pursuant to the notice, dated 06-09-2007, issued under Section 7 of the Act, and pass appropriate orders in accordance with law, under Section 6 of the Act. Till then, status-quo obtaining as on today with regard to possession shall be maintained. There shall be no order as to costs.

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04-10-2007

Prv